

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:24-CV-779-FDW-DCK**

MOUNTAIN ISLAND DAY COMMUNITY)	
CHARTER SCHOOL, et al.,)	
)	<u>ORDER</u>
Plaintiffs/Counterclaim Defendants,)	
)	
v.)	
)	
INSPIRE PERFORMING ARTS COMPANY,)	
LLC, ET AL.,)	
)	
Defendants/Counterclaim Plaintiffs/Third-Party Plaintiffs,)	
)	
v.)	
)	
JACKSON DAY SCHOOL BOARD OF)	
DIRECTORS, et al.,)	
)	
Third-Party Defendants.)	
)	

THIS MATTER IS BEFORE THE COURT on “Defendants May And Lewis’s Partial Motion To Dismiss...” (Document No. 27) filed October 28, 2024. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and applicable authority, the undersigned will direct that the pending motion to dismiss be denied as moot.

Plaintiff filed a “First Amended Complaint” (Document No. 39) on November 12, 2024, which supersedes the original Complaint (Document No. 1). Therefore, the undersigned will direct that “Defendants May And Lewis’s Partial Motion To Dismiss...” (Document No. 27) be denied as moot.

It is well settled that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot. Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) (“The general rule ... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect.”); see also, Fawzy v. Wauquiez Boats SNC, 873 F.3d 451, 455 (4th Cir. 2017) (“Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint ‘of no effect.’”); Colin v. Marconi Commerce Systems Employees’ Retirement Plan, 335 F.Supp.2d 590, 614 (M.D.N.C. 2004) (“Earlier motions made by Defendants were filed prior to and have been rendered moot by Plaintiffs’ filing of the Second Amended Complaint”); Brown v. Sikora and Associates, Inc., 311 Fed.Appx. 568, 572 (4th Cir. Apr. 16, 2008); and Atlantic Skanska, Inc. v. City of Charlotte, 3:07-CV-266-FDW, 2007 WL 3224985 at *4 (W.D.N.C. Oct. 30, 2007).

IT IS, THEREFORE, ORDERED that “Defendants May And Lewis’s Partial Motion To Dismiss...” (Document No. 27) is **DENIED AS MOOT**.

SO ORDERED.

Signed: November 25, 2024



David C. Keesler
United States Magistrate Judge
